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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,502	10/28/2003	Tai-Sheng Lin	LIN / BA-22869	8167

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BUCKNAM AND ARCHER
1077 Northern Blvd.
Roslyn, NY 11576

EXAMINER

BELLAMY, TAMIKO D

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/695,502	Applicant(s) LIN, TAI-SHENG	
	Examiner Tamiko D. Bellamy	Art Unit 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sklar (5,531,338) in view of Cautereels (5,316,160).

Re to claim 8, as depicted in figs. 1A and 2A, Sklar discloses a bottle body (12) having a plurality of scale lines (e.g., point markers 26) parallel to a horizontal line and along a vertical direction (col. 3, lines 37-47). Sklar also discloses a bottle cap (e.g. collar 24), a nipple (22), and the top end of the nipple (22) including an opening. As depicted in fig. 1B, Sklar discloses a first and second face of a bottle (12) that includes scale lines (e.g., point markers (26)). As depicted in fig. 1A, Sklar discloses numerals (28) that are provided on the scale lines (e.g., point markers 26) and are step-up from the upside/top to the downside/bottom of the bottle (12). Sklar does not specifically disclose that scale lines on a second side includes numerals that are step-up from the upside/top to the downside/bottom. However, it is well known in the art that numerals provided on scale lines are step-up from the downside/bottom to the top/upside. Cautereels discloses a conventional bottle with numerals step-up from the downside/bottom to the upside/top. Therefore, to modify Sklar by employing numerals on a first side face that are step-up from the downside/bottom to the

upside/top would have been obvious to one of ordinary skill in the art at the time of the invention since Cautereels teaches a baby bottle having theses design characteristics. The skilled artisan would be motivated to combine the teachings of Sklar and Cautereels since Sklar states that his invention is applicable to a nursing bottle that includes scale lines on a first and second side face and numerals on a second side face and Cautereels is directed to baby bottle with numerals on a first side face.

Re to claim 3, Sklar also that each scale line (e.g., graduated point markers 26) have corresponding indica (28), such as ounces or milliliters.

Re to claims 4-7, Sklar discloses that the scale lines (e.g. point markings 26) can include forms such as a circle with a dot in the center, Xs, cross hairs, crosses, or other means for indicating a point on the side of the bottle (col. 3, lines 37-47). Sklar also that each scale line (e.g., graduated point markers 26) have corresponding indica (28), such as ounces or milliliters. This teaching inherently includes scale lines with different angles between 5 and 45 degrees as claimed.

Response to Arguments

3. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. It is the examiners position that claims 3-8 are not patentable over the newly applied art of Sklar in view of Cautereels.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571)

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272-2190. The examiner can normally be reached on Monday - Friday 6:30 AM to 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.
August 10, 2004



HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800